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H. ANTHONY JEW and VIOLET W. JEW  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 ALETTE TEMPLE, ) No. CO 50164 JL  
11 Plaintiff, ) ANSWER TO COMPLAINT  
12 vs. ) JURY DEMAND BY DEFENDANTS  
13 H. ANTHONY JEW and VIOLET JEW, )  
14 Defendants. )  
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16 Pursuant to Rule 8 of the Federal Rules of Civil Proce-  
17 dure, defendants H. ANTHONY JEW and VIOLET W. JEW answer the com-  
18 plaint filed by plaintiffs as follows:

19 I.

20 These answering defendants lack sufficient information  
21 and belief to either admit or deny the allegations contained in  
22 paragraphs numbered 1, 3, 10, 12, 13, 15, 25, 27 and based upon  
23 such lack of information and belief, deny each and every allegation  
24 contained in said numbered paragraphs.

25 II.

26 These answering defendants deny each and every allegation  
27 contained within paragraphs numbered 9, 14, 16-18, 24, 26 and  
28 further deny that plaintiffs are entitled to any relief whatsoever,

1 in any sum, or at all.

2 III.

3 In responding to paragraph number 19 these answering  
4 defendants incorporate each and every response to each and every  
5 paragraph included in paragraphs 1 through 18.

6 IV.

7 These answering defendants admit the allegations con-  
8 tained within paragraphs numbered 2, 4-8, 11, 20-23.

9 AFFIRMATIVE DEFENSES

10 I.

11 These answering defendants allege that plaintiffs' com-  
12 plaint and each alleged cause of action therein, fails to state  
13 facts sufficient to constitute a cause of action as to these an-  
14 swering defendants.

15 II.

16 These answering defendants are informed and believe and  
17 thereupon allege that plaintiffs, by the exercise of reasonable  
18 effort and/or care, could have mitigated the damages alleged to  
19 have been suffered, but plaintiffs have failed, neglected and  
20 refused, and continue to fail and refuse, to exercise reasonable  
21 effort to mitigate the damages, if any.

22 III.

23 These answering defendants allege that each alleged cause  
24 of action set forth in the complaint herein is barred by the  
25 applicable statute of limitations.

26 IV.

27 These answering defendants allege that treble damages or  
28

punitive damages are violative of the due process, equal protection and right of privacy provisions of the constitutions of the United States and the State of California and that this Court, therefore, does not have subject matter jurisdiction to hear or determine the punitive damage claim.

V.

Plaintiffs' claims are barred by the equitable Doctrine of Laches.

VI.

Plaintiffs' claims are barred by the equitable Doctrine of Estoppel.

VII.


Plaintiffs' claims are barred by the equitable Doctrine of Unclean Hands.

WHEREFORE, these answering defendants pray that plaintiffs take nothing by way of plaintiffs' complaint and defendants go hence with defendants' costs of suit, and for such other and further relief as the Court deems proper.

DATED: February 9, 2005

BORTON, PETRINI & CONRON, LLP

By

  
Richard E. Morton,  
Attorneys for Defendants  
H. ANTHONY JEW and VIOLET W. JEW

DEMAND FOR JURY TRIAL

Defendants hereby demand a jury for all claims for which  
is jury is permitted.

DATED: February 9, 2005

BORTON, PETRINI & CONRON, LLP

By Curtis Hagan, for  
Richard E. Morton,  
Attorneys for Defendants  
H. ANTHONY JEW and VIOLET W. JEW